

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**SUCCESS ON SUSSEX, LLC,  
and JEROME SHELL,**

Plaintiffs,  
v.

Case No.  
Hon.  
Mag.

**CITY OF DETROIT, CITY OF DETROIT BUILDINGS,  
SAFETY ENGINEERING AND ENVIRONMENTAL DEPARTMENT,  
INSPECTOR GILCHRIST, in his individual capacity, and ADAMO  
DEMOLITION, INC., f/k/a JTA DEMOLITION,**

Defendants.

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**DEFENDANTS CITY OF DETROIT AND THOMAS  
GILCHRIST'S NOTICE OF REMOVAL**

Defendants, the City of Detroit (“the City”) and Thomas Gilchrist (“the City Defendants<sup>1</sup>”), hereby remove the action entitled “Success on Sussex, LLC v City of Detroit, City of Detroit Buildings, Safety Engineering and Environmental Department, Inspector Gilchrist, and Adamo Demolition, f/k/a JTA Demolition,”

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<sup>1</sup> The Complaint also purports to name “The City of Detroit Buildings, Safety Engineering and Environmental Department” as a defendant. However, departments of municipalities are not independent legal entities separate from the municipality capable of being sued. See *McPherson v Fitzpatrick*, 63 Mich App 461 (1975).

Wayne County Circuit Court Case no. 23-005135-CH, to this Honorable Court pursuant to 28 U.S.C. §§1441(a) and (c) and 1443. In support of this removal, Defendants state:

1. Plaintiffs filed this action on April 24, 2023, in the Wayne County Circuit Court, alleging that Defendants' actions relating to property located at 9240 East Forest, in Detroit, Michigan had violated Plaintiffs' rights.

2. In their Complaint, Plaintiffs allege that Defendants have violated Plaintiff's rights under the Fourteenth Amendment to the United States Constitution and under 42 U.S.C. §1983. (See Complaint, Count I, ¶¶ 37 – 44 and Count II, ¶¶ 41 – 45.)

3. Because Plaintiffs base their state court lawsuit on the United States Constitution and federal statutes, the City Defendants remove this action to this Court, invoking the Court's federal question jurisdiction.

4. The Complaint also names Adamo Demolition, Inc., a/k/a JTA Demolition as a Defendant. The City Defendants do not know if this entity has been served with process in compliance with the Michigan Court Rules, and this entity has not appeared in this case. Therefore, the City Defendants have not attached a consent to removal from this party.

5. In accordance with 28 U.S.C. §1331, this Court has original

jurisdiction of this civil action. In accordance with 28 U.S.C. §§1441(a) and (c) and 1443, and this Court's pendent jurisdiction, it is removed in its entirety to this Court.

6. Copies of all process, pleadings and orders received by the City in the Wayne County action are attached. For the Court's convenience, Defendants have also attached a copy of the Circuit Court docket sheet in the case, listing all of the documents filed or issued in the case.

7. Plaintiffs hand-delivered several copies of the Complaint, without summonses, to the City of Detroit Law Department on April 25, 2023. The City Defendants do not concede that this constituted effective service upon them under the Michigan Court Rules, but the City's counsel nevertheless, on May 8, 2023, filed an Appearance and appeared before the Court at the hearing held on Plaintiffs' motion for temporary restraining order and preliminary injunction. To the extent that the delivery of the complaint on April 25, 2023 could be construed as effective service of process, this notice of removal is filed within 30 days of that date, in compliance with 28 U.S.C. §1446(b).

8. Defendants have prepared a written notice of the removal of this action, addressed to all parties to the Wayne County action and to the Clerk of the Wayne County Circuit Court. Promptly after filing this Notice of Removal of

Civil Action, the City Defendants will file that written notice with the Clerk of the Wayne County Circuit Court, which will e-mail that notice to all parties to the Wayne County action through its electronic filing system.

Respectfully submitted,

S/Eric B. Gaabo

gaabe@detroitmi.gov

Attorney for Defendants City of

Detroit and Thomas Gilchrist

City of Detroit Law Department

2 Woodward Avenue, Suite 500

Detroit, MI 48226

(313) 269-0297

Dated: May 16, 2023

**CERTIFICATE OF SERVICE:**

**DEFENDANTS CITY OF DETROIT AND THOMAS  
GILCHRIST'S NOTICE OF REMOVAL**

I state that on May 16, 2023, I filed Defendants City of Detroit and Thomas Gilchrist's Notice of Removal electronically with the U.S. District Court for the Eastern District of Michigan in this matter, which will forward this document to all parties in this case through its electronic filing system.

S/ Eric B. Gaabo  
gaabe@detroitmi.gov  
Attorney for Defendants City  
of Detroit and Thomas  
Gilchrist  
1650 First National Building  
Detroit, MI 48226  
(313) 269-0297

Dated: May 16, 2023

**STATE OF MICHIGIAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

SUCCESS ON SUSSEX, LLC,  
And JEROME SHELL  
Plaintiff,

v.

CITY OF DETROIT, CITY OF DETROIT  
BUILDING SAFETY ENGINEERING &  
ENVIRONMENTAL DEPARTMENT.  
INSPECTOR GILCHRIST  
his individual capacity, and  
ADAMO DEMOLITION, Inc. f/k/a  
JTA DEMOLITION, Inc.  
Defendants.

Case No. \_\_\_\_\_ CH  
Hon.

RECEIVED  
APR 25 2023  
15:40

VANESSA G. FLUKER, ESQ., PLLC  
By: Vanessa G. Fluker (P64870)  
Attorneys for Plaintiff  
2727 Second Ave., Ste. 111  
Detroit, MI 48201  
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CITY OF DETROIT  
LAW DEPARTMENT  
8:33pm

**PLAINTIFFS' VERIFIED COMPLAINT AND JURY DEMAND**

There is no other civil action between the parties arising out of the transaction or occurrence alleged in the complaint.

\_\_\_\_\_  
/s/Vanessa G. Fluker  
Vanessa G. Fluker

**JURISDICTION AND VENUE**

1. Plaintiff Success on Sussex, LLC., is a domestic for profit foreign limited liability company authorized to conduct business in Detroit Michigan, with Plaintiff Jerome Shell the member contact person for Plaintiff Success on Sussex, LLC.
2. Defendant City of Detroit is a municipality in, Wayne County, State of Michigan, with the City Clerk as its proper agent under MCR 2.105.

3. Defendant Detroit Building Safety, Engineering and Environment Department, Director David A, Bell.

4. Defendant Detroit Building Safety, Engineering and Environment Department, Dangerous Building Director, Arthur Edge.

5. Defendant Thomas Gilcrest is an individual, employed by the City of Detroit Building Safety, Engineering and Environment Department, as an inspector.

6. Defendant JTA Demolition, Inc. f/k/a Adamo Demolition a/k/a Adamo Group currently operating as Adamo Demolition a foreign for profit corporation with its resident agent, The Corporation Company, 40600 Plymouth Rd. E., Ste. 201, Plymouth, MI 48170

7. The controversy involves equitable relief in addition to legal claims and jurisdiction and the amount in controversy exceeds \$25,000 exclusive of costs and attorney fees and venue is proper before this Honorable Court.

#### **FACTUAL BACKGROUND**

1. Plaintiff Success on Sussex, LLC own property located at 9240 E. Forest, Detroit, MI 48214. Plaintiff Jerome Shell has been the contact person for the LLC and its other member although the City of Detroit has contact information for them as well.
2. In late 2019 Plaintiffs were issued an emergency correction order. The emergency correction order had 2 options 1. Remove the iron awning and 2. Replace to missing support, I- beam king supports. Plaintiffs choose option 2, to replace the missing support I-beam. **Exhibit 1**, Correction Order.
3. Plaintiffs filed and paid for a deferral and obtained the necessary tax clearance. Plaintiff proceeded to prepare the east wall inside, to proceed with completing option 2.

4. Plaintiff Jerome Shell received a phone call from Mr. Author Edge, Director of dangerous buildings department at that time, urging Plaintiff to speed up the process as much as possible because there were some people higher up that wanted this property.
5. Unfortunately, the COVID-19 pandemic struck, everything was locked down at this point pursuant to various laws and executive orders precluding such work.
6. In the summer of 2021 as the certain COVID-10 virus restrictions were lifted Plaintiff proceeded with our correction order option 2.
7. Plaintiff worked diligently daily, clearing the courtyard area behind the east wall. One of Plaintiff's partners had the chlorine contract with the water department, his company is called Cyclone Chemical and he also manufactures dish washing liquid. A good percentage of his work equipment was in the east wall area.
8. Plaintiff continued working on option 2. By mid-summer, Plaintiff was visited by an Inspector, ZZ, who wrote a blight ticket despite the ongoing work, and approved deferral. **Exhibit 2, Deferral Approval and Receipt of Payment.** Plaintiff was informed that any debris from the ongoing work on option 2, had to be removed the same, Plaintiff complied, and the ticket was reduced.
9. Much to Plaintiffs' surprise, shortly thereafter an inspector named Mr. Thomas Gilchrist appeared at property and **re-issued the correction order from 2019, despite there being ongoing work and a deferral in place.** Plaintiff Shell was in contact with Mr. Gilchrist immediately via phone conversations and texts. **Exhibit xx, Text Messages.** The initial dialogue seemed to be civil and balanced with Inspector Gilchrist understanding Plaintiff choice of option 2, and observing the work being performed to complete this option.



10. However, after observing the progress it seemed like every other day Mr. Gilchrist had a problem with everything we were doing and began issuing tickets to Plaintiffs, and all the partners individually for the same offenses. **Exhibit 3, Various Blight Tickets.** Plaintiff Shell as well as his licensed contractor, Lewis Theriot, recognized the tickets were inappropriate and Inspector Gilchrist picked up on our knowledge of this and dismissed some of the tickets.
11. At this point Plaintiff Shell and Inspector Gilchrist phone conversation became uncomfortable. Plaintiff Shell informed Mr. Gilchrist that Plaintiff had an open electrical permit on this job, yet Inspector Gilchrist challenged that position.
12. Inspector Gilchrist then began trying to question Plaintiff on knowing the scope of work for option 2, that was chosen by the Plaintiffs. Plaintiff Shell at this point explained to Inspector Gilchrist that Plaintiffs follow proper procedure and pull permits and the inspectors come out and inspect Plaintiffs' work because Plaintiffs are licensed contractors.
13. Plaintiff Shell further informed Inspector Gilchrist that Plaintiff have architects and engineers who in 2019 sent letters to the city of Detroit indicating that this structure was sound and not collapsing. **Exhibit 4, Architect Letter.** The City of Detroit was further informed of the consideration of various site plans for this development venture.
14. A significant amount of time was spent going back and forth with Inspector Gilchrist, when he finally informed Plaintiff Shell that he needed to be talking to Mr. Edge in dangerous buildings. At this point, Inspector Gilchrist would not return any of my calls. In November of 2021, the City of Detroit, Inspector Gilchrist, sent out city workers and a contracting company to put up a fence up.

15. Plaintiff Shell tried several times contacting Mr. Gilchrist and went to the City Council, for information and assistance to no avail. Plaintiff Shell also contacted Mr. Edge, and was informed Mr. Edge no longer had control of the file that it was in someone else's hands "higher up", but could not tell me who the "higher up" person or persons were.
16. From that point, Plaintiff Shell could not get any communication from anyone in the City of Detroit, nor would any representative speak with his partners. Plaintiffs were barred and precluded from pulling City of Detroit permits to finish the option 2, repairs for compliance.
17. In May of 2022, the City of Detroit sent out the demolition company **without notice**. It was about 7am, one of my partners has a contract with home Depot and Lowes, she also stores and deliveries appliances was leaving the building to take her daughter to school when the demo contractors pulled up and started pulling on the door. She called Plaintiff Shell who told her to call the police and that Plaintiff Shell was on his way to the property.
18. Plaintiff Shell was never informed of anything, neither were his partners. Even after arriving at the property the demo contractor along with the City of Detroit inspector would not inform Plaintiff Shell as to why they were there. The City of Detroit inspector informed Plaintiff Shell if he wanted to know something, call downtown. The female City of Detroit inspector did not show Plaintiff Shell any paperwork whatsoever.
19. The police made Plaintiff Shell move across the street. Plaintiff Shell had someone bring paperwork from the office to prove ownership. When the paperwork arrived confirming ownership Plaintiff Shell took it to the contractor.

20. In front of the contractor, the inspector and the police, the contractor showed his scope of work, that clearly had X marks on all of the turn buckles that were attached to the wall and also X marks on iron canopy. At this time Plaintiff Shell was really concerned.
21. The police wanted to move Plaintiff Shell away from the area. Plaintiff Shell asked the contractor and the City of Detroit Inspector if they did not cut the turn buckles properly it would collapse the whole wall down the whole block.
22. At this point the inspector and the contractor said to me in front of the police body camera, that they were not here to tear my building down, they were only here to remove the awning and make it safe.
23. The police made Plaintiff Shell step away. When the crane moved in Plaintiff Shell again asked the contractor was, he going to cut the turn buckles, he indicated to me, that he was going to leave that up to the crane driver.
24. Plaintiff Shell screamed at him several times; you have to cut those turn buckles. The police made me move back across the street. The crane proceeded to cut iron and not cutting any turn buckles and when they got close to the other end, the crane proceeded to cut the iron without cutting the turn buckles, which gave more pressure on the wall. They cut to the left and the wall started to crack. The contractor yelled, Oh Shit!
25. As the wall imploded, forcing people to go into their houses and the contractor started running across the street and cussing saying he was supposed to save the wall. The contractors along with the inspectors, who were not on the jobs as this was being done.
26. The head inspector was supposed to be there but she left. All the inspector and contractors were trying to clear the street and yard. They proceeded for the next couple of days destroying the building. Plaintiff Shell made a video tape of everything.

27. . Moreover, there were witnesses, one who heard on of the contractor workers discussing they had never done this type of work before. All this demolition work, including the destruction of the wall, was done with people inside the warehouse and no one being cleared out of the building.
28. There was additional damage done to other parts of the building that had a roof on it. A letter detailing the impact of the damage by the improper and defective demolition work, which should never have been done as Plaintiffs were working on option 2.
29. From March 7, 2023, until the present City of Detroit representatives and contractors have been coming out trying to clean-up the area, and create a scenario for complete demolition of the property, which is not a dangerous building. Ironically, the alleged clean-up could have been done last May 2022 when the wall illegally collapsed the wall.
30. There is now an expedited and concerted effort to demolish the building including breaking into the warehouse that stores equipment and supplies in excess of \$250,000.00, without notice to anyone.
31. There is now an emergency demolition order for the whole building, which was discovered by happening to be on site as crews are going back and forth from the building. There has not been any opportunity for due process or to administratively challenge the process.
32. Plaintiffs were provided no notice as required by the City of Detroit ordinances Defendants never provided any notice pursuant to statute, specifically MCL 125.540 and MCL 125.541. and Plaintiff was under the perception, the Defendant just wanted to view the property purchase. This did not occur. No posting was ever attached to the property.

Moreover, there was never any notice provided by certified mail as required by Michigan law. This violates even Defendant City of Detroit's own ordinance, which provides:

**Sec. 8-17-23. - Notice of dangerous building and show cause hearing; contents thereof; owners and parties-in-interest to be notified; service of notice.**

- a. Notwithstanding any other provisions of this article, when a building or structure, or any part thereof, is found to be a dangerous building, as defined in Section 8-17-2 of this Code, the Building Official shall issue a written notice that the building or structure is a dangerous building to any owner and party-in-interest in the building or structure in whose name the property appears on the last City of Detroit and County of Wayne tax assessment records, and on the records of the County of Wayne Registrar of Deeds.
- b. The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, made safe, or properly maintained.
- c. The notice shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the last City of Detroit and County of Wayne tax assessment records, and on the records of the County of Wayne Registrar of Deeds. Where a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the notice.

**Sec. 8-17-24. - Qualifications and appointment of hearing officer; show cause hearing before hearing officer; decision of hearing officer; filing and service of decision.**

- a. The hearing officer shall be appointed by the Mayor to serve at his or her pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the Buildings, Safety Engineering, and Environmental Department shall not be appointed as hearing officer. The Buildings, Safety Engineering, and Environmental Department shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.
- b. The hearing officer shall take testimony of the building inspector, any owner of the property, and any party-in-interest. Not more than five days after completion of the show cause hearing, the hearing officer shall render his or her decision:

- i. By closing the proceedings and dismissing the matter for failure of the Buildings, Safety Engineering, and Environmental Department to prove that the building is a dangerous building;
  - ii. By ordering the building or structure to be demolished;
  - iii. By ordering the building or structure to be made safe; or
  - iv. By ordering the building or structure to be properly maintained.
- c. Where the hearing officer determines that the building or structure should be demolished, be made safe or be properly maintained, the hearing officer shall enter an order that specifies what action the owner, or agent of the owner, shall take and sets a date by which the owner, or agent of the owner, shall comply with the order. Where the building is a dangerous building, as defined in Section 8-17-2 of this Code, the order may require the owner to maintain the exterior of the building and adjoining grounds owned by the owner including, but not limited to, the maintenance of lawns, trees, and shrubs.
- d. Where the owner, or agent of the owner, fails to appear, or neglects or refuses to comply with the order issued under this Subsection (b) of this section, the hearing officer shall file a copy of his or her findings and order with the City Council not more than five days after the date for compliance set in the order and request that necessary action be taken to enforce the order. A copy of the decision, including the findings and order of the hearing officer, shall be served on the owner, or agent of the owner, in the manner prescribed in Section 8-17-23 (c) of this Code.

**Sec. 8-17-25. - Show cause hearing before City Council; decision of City Council; review of decision; posting of notice.**

- d. The City Council shall hold a show cause hearing not less than 30 days after the hearing prescribed in Section 8-17-24(a) of this Code regarding the findings and order of the hearing officer. The City Council, through the City Clerk, shall give notice to the owner, or the agent of the owner, in the manner prescribed in Section 8-17-23(c) of this Code, of the time and place of the hearing. At the hearing, all owners, or agents of the owners, shall be given the opportunity to appear and explain why the order should not be enforced. The City Council shall approve, disapprove, or modify the order for demolition, or for making the building or structure safe, or for properly maintaining the building or structure including the surrounding grounds.
- e. Where the City Council approves or modifies the order of the hearing officer, the owner, or the agent of the owner, shall comply with the order within 60 days after the date of the hearing under Subsection (a) of this section.

- f. Where the City Council disapproves the order of the hearing officer, the order shall be rescinded.**
- g. For an order of demolition, where the City Council determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, or the agent of the owner, shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. Where the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption exists that the building or structure requires immediate demolition.**
- h. In accordance with Section 142 of the Housing Law of Michigan, being MCL 125.542, an owner who is aggrieved by a final decision of the City Council concerning the order of the hearing officer, as adopted in the Body's resolution, may file a petition for an order of superintending control with the circuit court within 20 days from the date of the decision.**
- i. After the adoption of a resolution by the City Council, the Building Official shall post, or cause to be posted, at each entrance to such building or structure a Notice .**

33.           Plaintiffs' did file a complaint with the City of Detroit Ombudsman's office trying to get assistance. Plaintiffs now seek and need emergency injunctive relief to stop the demolition of the property that is not a dangerous building and was damaged by the City of Detroit and its contractor Adamo Demolition d/b/a Adamo Group.

34.           Plaintiffs will suffer irreparable harm if not afforded immediate injunctive relief from this erroneous demolition process. Despite the notice defects and failure to comply with the statutory terms regarding notice and an opportunity for a hearing, Defendants have violated the Plaintiff's rights. Moreover, Defendants have failed to provide even the minimal due process rights to the Plaintiff in violation of the U.S. Constitution as incorporated by the Fourteenth Amendment.

35.           Plaintiffs are suffering and will suffer irreparable harm, with an imminent threat of the illegal demolition of its property located at 9240 E. Forest, Detroit, MI 48214.



36. Defendants appear to believe they are above the law, and can callously deprive individuals of their property rights and violate the law without repercussions. Defendants must be held accountable for their conduct.

**COUNT I**  
**VIOLATION OF THE FOURTEENTH AMENDMENT OF U.S. CONSTITUTION**

37. Paragraphs 1 through 36 of the Complaint and all exhibits to the complaint are incorporated and restated as if set forth fully herein.

38. Defendants have violated the Fourteenth Amendment rights of the Plaintiff both in procedural due process and substantive due process.

39. Defendants' procedural due process violations are the Defendants' failure to provide proper notice and a hearing before setting the Plaintiffs properties for demolition.

40. Defendants have committed substantive due process violations by improperly even determining the Plaintiffs' properties were candidates for demolition, when Defendants have approved various work and cited compliance and where the structures of all properties are in reasonable repair and do not rise to any level of a dangerous building requiring condemnation and demolition.

41. Defendants have deprived the Plaintiff of its Fourteenth Amendment rights and Plaintiff is entitled to have all rights restored, and the pending demolition order reversed and dismissed.

**COUNT II**  
**VIOLATION OF SECTION 1983-DUE PROCESS**

42. Paragraphs 1 through 41 of the Complaint along with all exhibits are incorporated and restated as if set forth fully herein.

43. Defendants actions are in violation of 42 U.S.C. §§ 1983, including due process violations.



44. Defendants City of Detroit Building Safety Engineering & Environmental and its employee and agents violated Plaintiff's due process rights by attempting to demolish Plaintiff's property without notice and a hearing. Moreover, Plaintiff's rights were further violated by the illegal attempt to demolish the property when it was not in a condemnable condition, and in fact has been determined structurally sound by an engineering expert. See **Exhibits 1-4.**

45. Defendants did violate the Plaintiff's due process rights in violation of the Michigan law, MCL 125.540, MCL 125.541 and Defendant City of Detroit's own ordinances.

**COUNT III**  
**VIOLATION OF MCL 125.540 AND MCL 125.542**

46. Paragraphs 1 through 45 of the Complaint along with all exhibits are incorporated and restated as if set forth fully herein.

47. Defendants had a duty to comply with Michigan law under MCL 125.540 and MCL 125.541.

48. MCL 125.540 provides:

§ 125.540. Notice of dangerous building; contents; hearing officer; service.

Sec. 140. (1) Notwithstanding any other provision of this act, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

(2) The notice shall be served on the owner, agent, or lessee that is registered with the enforcing agency under section 125. If an owner, agent, or lessee is not registered under section 125, the notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.

(3) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing

**officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.**

(4) The hearing officer shall be appointed by the mayor, village president, or township supervisor to serve at his or her pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as hearing officer. The enforcing agency shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

(5) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

49. Defendant have failed to comply with MCL 125.540, and have placed Plaintiff's properties at imminent risk of illegal demolition, despite the properties not being in a condemnable condition.

50. MCL 125.541 provides,

**§ 125.541. Hearing; testimony; determination to close proceedings or order building or structure demolished, made safe, or properly maintained; failure to appear or noncompliance with order; hearing; enforcement; reimbursement and notice of cost; lien; remedies.**

Sec. 141. (1) At a hearing prescribed by section 140, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

(2) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent, or lessee shall comply with the order. If the

building is a dangerous building under section 139(j), the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.

***(3) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (2), the hearing officer shall file a report of the findings and a copy of the order with the legislative body of the city, village, or township not more than 5 days after the date for compliance set in the order and request that necessary action be taken to enforce the order. If the legislative body of the city, village, or township has established a board of appeals under section 141c, the hearing officer shall file the report of the findings and a copy of the order with the board of appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in section 140.***

**(4)** The legislative body or the board of appeals of the city, village, or township, as applicable, shall set a date not less than 30 days after the hearing prescribed in section 140 for a hearing on the findings and order of the hearing officer. The legislative body or the board of appeals shall give notice to the owner, agent, or lessee in the manner prescribed in section 140 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The legislative body or the board of appeals of the city, village, or township shall either approve, disapprove, or modify the order. If the legislative body or board of appeals approves or modifies the order, the legislative body shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. For an order of demolition, if the legislative body or the board of appeals of the city, village, or township determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

**(5)** The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the

charges authorized under this act. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the city, village, or township to bring the property into conformance with this act shall be reimbursed to the city, village, or township by the owner or party in interest in whose name the property appears.

(6) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the city, village, or township shall have a lien for the cost incurred by the city, village, or township to bring the property into conformance with this act. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(7) In addition to other remedies under this act, the city, village, or township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. A city, village, or township shall have a lien on the property for the amount of a judgment obtained under this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

51. Defendants have failed to comply with MCL 125.541, and have placed Plaintiffs properties at imminent risk of illegal demolition, despite the properties not being in a condemnable condition.
52. Plaintiff has suffered legal damages and is entitled to equitable and injunctive relief as a result of the Defendants conduct.

**COUNT IV**  
**NEGLIGENCE OF DUTY BY DEFENDANT ADAMO**  
**DEMOLITION A/K/A ADAMO GROUP**

53. Plaintiff hereby incorporate Paragraphs 1 through 52 of their Complaint, as though fully restated herein.
54. In October 2021 Defendant Adamo Demolition began a demolition process beyond the scope identified on City of Detroit demolition order. Plaintiff Jerome Shell further informed representatives of Adamo demolition in the current formation the was an inevitable likelihood of collapsing a whole wall, which was not a part of the demolition scope of work.
55. Adamo demolition workers ignored requests of Plaintiff Shell, refused to review the scope of work until after the damage was done, and refused to engage in demolition conduct in accordance with applicable building standards for demolition.
56. Defendant Adamo moved forward and recklessly destroyed a wall that was not a part of the demolition. Placed innocent lives at risk as people were inside the structure that was not a part of the demolition that Adamo erroneous tore down.
57. Even more egregious is after the erroneous demolition of the wall and this information being provided to the City of Detroit, Defendant Adamo in concert with the City of Detroit began seeking an emergency demolition order of the whole building, which was not unsafe to cover-up the negligence of Defendant Adamo.
58. Defendant Adamo owed a duty to Plaintiffs to perform work within the scope of the work order and not destroy unaffected property not included in the work order. Plaintiff's have photos and video of Defendant Adamo employee's screaming as the wall was coming down after the improper demolition. Exhibit 5, Photos

59. Defendant Adamo Demolition breached its duty to Plaintiffs by failing to perform demolition services in a manner that would not destroy and demolish areas of the building not subject to the demolition order.

60. Moreover, when advised of the mishaps and negligent conduct by Plaintiffs, Defendant Adamo failed to take corrective action. Instead, Defendant Adamo proceeded with a convoluted plan with Defendant City of Detroit to demolish the whole building despite the building not being a dangerous building or being subject to any previous order for demolition.

61. The negligent actions of Defendant Adamo. in proceeding with an improper demolition of the wrong property area and further trying to cover it up with a complete demolition of the property after Plaintiffs complaints has resulted in significant harm to the Plaintiffs requiring immediate injunctive relief until the legal and equitable relief can be fully determined.

WHEREFORE, Plaintiff Success on Success, LLC., respectfully requests that this Honorable Court:

- A. Order Defendants to cease and desist from demolishing Plaintiffs' property located at 9240 E. Forest, Detroit, MI 48214.
- B. Declare Defendants City of Detroit, City of Detroit Building Safety, Engineering& Environmental, Thomas Gilchrist and other inspectors on site of 9240 E. Forest, Detroit, MI 48214, in violation of the Fourteenth Amendment of the U.S. Constitution;
- C. Declare Defendants City of Detroit, City of Detroit Building Safety, Engineering& Environmental, Thomas Gilchrist and other inspectors on site of 9240 E. Forest, Detroit, MI 48214 in violation of 42 USC 1983;

- D. Declare Defendants City of Detroit, City of Detroit Building Safety, Engineering& Environmental, Thomas Gilchrist and other inspectors on site of 9240 E. Forest, Detroit, MI 48214 in violation of MCL 125.540;
- E. Declare Defendants City of Detroit, City of Detroit Building Safety, Engineering& Environmental, Thomas Gilchrist and other inspectors on site of 9240 E. Forest, Detroit, MI 48214 in violation of MCL 125.541;
- F. Declare Defendant Adamo Demolition d/b/a Adamo Group negligent resulting in damage to property located at 92940 E. Forest, Detroit, MI 48214, and
- G. Render any other relief deemed appropriate including costs and attorney fees.

Respectfully submitted,

**VANESSA G. FLUKER, ESQ., PLLC**

BY: /s/Vanessa G. Fluker  
Vanessa G. Fluker (P64870)  
Attorney for Plaintiffs  
2727 Second Ave., Ste. 111  
Detroit, MI 48203  
(313) 549-3358  
vgflawyer@sbcglobal.net

Verified Complaint

Jerome Shell  
Jerome Shell

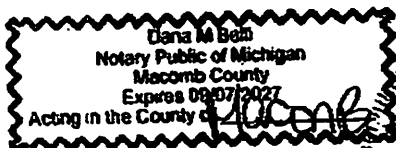
Subscribed and sworn before me

This 20th day of April 2023

Dana M. Bell  
Notary Public

Macomb County, Michigan

My Commission Expires 9/7/2027



## **EXHIBIT 1**



605A

Buildings, Safety Engineering  
& Environmental Department

City of Detroit  
Buildings, Safety Engineering and Environmental Department  
Property Maintenance Division  
Coleman A. Young Municipal Center  
2 Woodward Avenue, 4th Floor, Suite 412, Detroit, Michigan 48226  
(313) 625-2451

# EMERGENCY CORRECTION ORDER

Record ID : ANN2005-09221  
Location : 9240 E FOREST  
DETROIT, MI 48214

08/27/2021

Owner:  
Ayodele Owo  
815 E. Grand Blvd  
Detroit, MI 48207

Legal Occupancy : WAREHOUSE  
Tenant :  
Sector : 5 District :  
Use Group : S-1 311.2  
Zoning District :

Inspection Type : Emergency Inspection

Inspection Result : FAIL

Inspector : Thomas Gächrist

Inspection ID : 32018660

The Property Maintenance inspected the above premises on 08/27/2021

Violations of the Detroit Property Maintenance Code and/or Official Zoning Ordinance were found to exist and corrections shall be made on or before the compliance date.

Compliance Date : 08/27/2021

## Violations

### COMMERCIAL EMERGENCY 2019

#### 1 COMMERCIAL EMERGENCY 2019

Emergency Order - 8-15-39

Call and arrange an inspection of the identified emergency violation(s) before or you will be subject to a ticket for each emergency violation not verified as in compliance.

NON-COMPLI

- Perform immediate repairs to remove structural deficiencies:

#### Option 1:

- remove entirety of steel overhang framework. Make necessary repairs to all loose, shifted, buckling, or unstable masonry.

#### Option 2:

- Properly reinstall two missing steel support columns at overhang. Restore overhang to originally-constructed orientation (level). Make necessary repairs to all loose, shifted, buckling, or unstable masonry.

N2005-09221

## **EXHIBIT 2**



## CITY OF DETROIT

## BUILDINGS, SAFETY ENGINEERING &amp; ENVIRONMENTAL DEPARTMENT

REQUEST TO DEFER DEMOLITION ORDER  
COMMERCIAL PROPERTY INSTRUCTIONS

Please review the attached application and commitment carefully. To apply for deferral, you must obtain the necessary documents and submit the application and commitment with all attachments to the Buildings, Safety Engineering and Environmental Department (BSEED) Dangerous Building Division, Room 418, Coleman A. Young Municipal Center, Detroit, MI 48226.

The BSEED Dangerous Buildings Division will evaluate and forward your request along with its recommendation to City Council. The BSEED Dangerous Buildings Division will advise you of its recommendation to City Council. **There will be no official action on the issue of demolition until the Detroit City Council renders a decision.**

Your request CANNOT be processed until your deferral package is completed and signed, with all required documents attached. Failure to submit this form in its entirety will result in BSEED's inability to provide a favorable recommendation, delay your request, and could result in the demolition of the property.

Payment of the \$134.00 Special Inspection Fee is required to determine compliance and will not automatically result in a recommendation for deferral. You should receive notification of BSEED's recommendation within five (5) business days following the Special Inspection. In addition, the payment of the \$134.00 Progress Inspection (with the inspection to occur within 45 days of the date of the rehabilitation permit) is required to demonstrate that substantial progress has been made in accordance with the approved Time Frame for Rehabilitation, for the amount of \$268.00 due with this application.

Your building was determined to be dangerous. To set aside the Order to Demolish you must remedy the dangerous situation. This may include correcting one or more of the following conditions prior to an inspection by BSEED:

- Open to trespass or exposure to the elements;
- Attractive nuisance to children, vagrants, criminals or immoral persons;
- Dilapidated, deteriorated, or damaged to the point of collapse;
- Unsanitary or unfit conditions;
- Structurally unsound or unstable.

Effective November, 1998, a building (commercial or residential) could be deemed Dangerous if it is:

1. Vacant for 180 days (6 months) or longer,
2. Not listed with a real estate broker for sale, lease or rent; and
3. Not maintained on the exterior in accordance with the City's codes.

If, after a deferral has been granted, you do not comply with the City's requirements, the deferral may be rescinded by the City Council at any time, and the building may be demolished without further notice.

ADDRESS: \_\_\_\_\_ DNG CASE # \_\_\_\_\_  
DATE ORDERED DEMOLISHED: \_\_\_\_\_

**APPLICATION TO DEFER DEMOLITION ORDER  
OWNER'S COMMITMENT (CONSENT AGREEMENT)**

Date: \_\_\_\_\_ DNG# \_\_\_\_\_

RE: Address (es) \_\_\_\_\_

Names: (Please Print) \_\_\_\_\_

Address for future notification \_\_\_\_\_

E-mail address \_\_\_\_\_

Telephone No. \_\_\_\_\_

1. This property is \_\_\_\_\_ Commercial (DESCRIBE): \_\_\_\_\_

2. \_\_\_\_\_ I am the owner. Date of Acquisition: \_\_\_\_\_

\_\_\_\_\_ I am a party of interest. Nature of Interest: \_\_\_\_\_

**YOU MUST ATTACH:** Copy of proof of ownership or interest (deed, land contract, purchase agreement, mortgage lien, etc.) (Hereinafter, Exhibit A).

3. The building(s) is/are secure from trespass/elements and not otherwise dangerous. All imminently hazardous conditions have been remedied, the structure, walkways and yards are maintained, and clear of overgrown vegetation, weeds, litter, debris, abandoned vehicles or other nuisance. Yes \_\_\_\_\_ No \_\_\_\_\_

**YOU MUST ATTACH:** Receipt from BSEED (Licenses & Permits Division, Room 402, Coleman A. Young Municipal Center) for a Special Inspection to verify the condition and maintenance of the property. The Special Inspection will require the payment of a \$134.00 Special Inspection Fee. This fee is in addition to the Progress Inspection Fee.

4. The proposed use of this/these building(s) is/are: \_\_\_\_\_ Owner's use and occupancy

\_\_\_\_\_ Rehabilitation and Sale

\_\_\_\_\_ Rental Property

**YOU MUST ATTACH:** Time Frame for Rehabilitation (plan must include specific dates) of the building or structure (hereinafter, Exhibit B), which will be evaluated by BSEED. The Time Frame for Rehabilitation of the building or structure submitted must include a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit.

**YOU MUST ATTACH:** Receipt from BSEED (Licenses & Permits Division, Room 402, Coleman A. Young Municipal Center) for a Progress Inspection to demonstrate that substantial progress has been made in accordance with the approved Time Frame for Rehabilitation. The Progress Inspection will require the payment of a \$134.00 Progress Inspection Fee. This fee is in addition to the Special Inspection Fee.

**For buildings listed as rental property YOU MUST ATTACH:** Certificate of Rental Registration obtained from Property Maintenance Division, BSEED, Room 412, Coleman A. Young Municipal Center (313) 628-2451.

5. This building has been vacant since: (date) \_\_\_\_\_

Occupancy is expected on or before: (date) \_\_\_\_\_

This building is currently listed for sale \_\_\_\_\_ lease \_\_\_\_\_ or rental \_\_\_\_\_



**For vacant property YOU MUST ATTACH:** Certificate of Vacant Property Registration obtained from Property Maintenance Division, BSEED, Room 412, Coleman A. Young Municipal Center (313) 628-2451.

*Note: Failure to maintain and occupy this building within the next six (6) months could result in execution of the demolition order without further notice. The Building Official for good cause can extend this schedule.*

6. \_\_\_\_\_ This property is not tax delinquent.

\_\_\_\_\_ A delinquent tax payment plan is in place and payments are current.

**YOU MUST ATTACH:** Property Tax Clearance obtained from Treasury, Revenue Collections Unit, Room 106, Coleman A. Young Municipal Center or copy of State Land Purchase Certificate, if property was purchased from the State of Michigan. (Hereinafter, **Exhibit D**)

7. \_\_\_\_\_ BSEED demolition clearance confirming that there are no outstanding demolition fines, fees or costs on the property. All BSEED administrative fees for this property have been paid, including any delinquent inspection fees and other charges. Request Zoning and DAH clearance from Dangerous Buildings, Room 1004 CAYMC (313) 224-0098.

8. \_\_\_\_\_ In conjunction with this request to defer the existing demolition order, I commit that all delinquent taxes and fees will be paid or otherwise resolved and kept current. I will not occupy or allow the property to be occupied without first obtaining a Certificate of Compliance, Certificate of Approval, Certificate of Occupancy, or Temporary Certificate (for special uses), as applicable. Further, I will not rent a property without first obtaining all applicable approvals from BSEED. I will obtain all required permits before commencing work on this property and comply with all applicable laws.

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#### **COMMERCIAL OWNER COMMITMENT (CONSENT AGREEMENT)**

This Commercial Owner Commitment ("Commitment") is entered into by and between the City of Detroit, a Michigan municipal corporation, acting by and through its Buildings, Safety Engineering and Environmental Department (hereinafter, the "City") and \_\_\_\_\_, whose principal address is \_\_\_\_\_ (hereinafter, the "Owner").

**WHEREAS**, the Owner holds title to a certain parcel of real property situated in the City of Detroit, County of Wayne, State of Michigan, commonly known as \_\_\_\_\_,

Detroit, MI, \_\_\_\_\_ (hereinafter, the "Subject Property"), more particularly described in Exhibit A, and

**WHEREAS**, the City has identified conditions on the Subject Property that violate City ordinance, and the Detroit City Council has ordered the demolition of the structure on the Subject Property, and

**WHEREAS**, the Owner has requested a deferral of the demolition order and provides this commitment, pursuant to Section 8-17-26 of the 1984 Detroit City Code,

**NOW THEREFORE, THE PARTIES HAVE AGREED** to the following terms:

1. **Subject to Paragraph 2, the Owner shall rehabilitate the building(s)** at the Subject Property by taking the following actions by the following dates, as well as addressing all issues listed in the attached Exhibit B, by the dates listed:

- A. BUILDING INSPECTION:** The Owner shall schedule and pay for a Special Inspection of the property with the City of Detroit Buildings, Safety Engineering and Environmental Department ("BSEED"), in accordance with BSEED rules and regulations. Additionally, the Owner shall schedule and pay for a Progress Inspection within forty-five (45) calendar days from the date of the rehabilitation permit to determine whether substantial progress has been made. The Owner shall provide full and complete access to the Subject Property for BSEED to conduct the necessary inspection. Furthermore, the Owner must submit to BSEED detailed Progress Inspection Reports, with photos showing evidence of the work completed, every forty-five (45) calendar days, for the duration of the rehabilitation work, to demonstrate that substantial progress has been made during the approved time frame for rehabilitation. Failure to provide to provide Progress Inspection Reports shall result in the Owner's default of this Commitment.
- B. DEVELOPMENT OF THE SUBJECT PROPERTY/ENGINEER'S REPORT/FINAL ARCHITECTURAL PLANS:** If required, the Owner shall submit an Engineer's Report (hereinafter, Exhibit C) stating that the Subject Property is structurally in compliance with all applicable building codes, local ordinances, and state law. The Owner shall also submit Final Architectural Plans for the development of the Subject Property by the date expressly set forth in Exhibit B. IF THE OWNER IS CHANGING THE USE OF THE SUBJECT PROPERTY AND MAKING STRUCTURAL CHANGES, THE OWNER SHALL SUBMIT A WRITTEN SCOPE OF WORK PLAN TO BSEED BY THE DATE EXPRESSLY SET FORTH IN EXHIBIT B.
- C. PERMITS:** If applicable, the Owner shall obtain a Right of Way permit around the perimeter of the Subject Property no later than the date expressly set forth in Exhibit B. The Owner shall ALSO obtain from any and all local, state, and federal agencies, including all historic commissions or any agencies having jurisdiction over the Subject Property, all necessary approvals and permits **FOR ALL INTERIOR, EXTERIOR, ELECTRICAL, MECHANICAL, PLUMBING, AND STRUCTURAL WORK WITHIN TEN (10) BUSINESS DAYS OF THE APPROVAL OF THE ARCHITECTURAL PLANS BY THE CITY.** The Owner shall comply with all requirements, applicable laws, ordinances, rules, regulations, and other requirements mandated by the applicable governmental agencies, the City of Detroit, the State of Michigan, the Detroit Historic Commission, or the Federal Government (United States of America). **IN THE EVENT THAT ASBESTOS CONTAINING MATERIALS ARE IN THE AREA WHERE REHABILITATION WORK IS BEING CONDUCTED, THE OWNER SHALL COMPLY WITH ALL APPLICABLE LAWS, RULES, AND REGULATIONS REGARDING THE PROPER REMOVAL AND DISPOSAL OF THE MATERIALS.**
- D. FOUNDATION, ROOF, WALLS:** If applicable, and subject to the permits obtained by the Owner from the City to repair the foundation, roof, parapet walls, and exterior walls at the Subject Property, the Owner shall complete the repairs to the foundation, roof, parapet walls, and the exterior walls at the Subject Property by the date expressly set forth in Exhibit B.
- E. COMMENCEMENT OF THE REHABILITATION:** The Owner shall draw all necessary permits from the applicable governmental agencies and commence all repairs and rehabilitation work within **TEN (10) BUSINESS DAYS FROM THE DATE OF THE DETROIT CITY COUNCIL DECISION.**

- F. CERTIFICATE OF ACCEPTANCE FROM BSEED:** The Owner shall obtain the Certificate of Acceptance for all of the aforementioned work from the City and the Owner shall pay all of the necessary fees for the work, so that any and all repairs at the Subject Property meet(s) the City of Detroit Building Code, Property Maintenance Code, and Vacant Building Code requirements by the date expressly set forth in Exhibit B.
- G. CERTIFICATE OF OCCUPANCY FROM BSEED:** The Owner shall obtain the Certificate of Occupancy for all of the aforementioned work from the City and the Owner shall pay all of the necessary fees for the work, so that any and all repairs at the Subject Property
- H. PAYMENT OF BSEED & DAH FINES/FEES:** If applicable, the Owner agrees to pay all outstanding fines, violations, fees, and judgments entered by BSEED or the Department of Administrative Hearings. The Owner further agrees that penalties, interests, and fees shall continue to accrue and that this Commitment does **NOT** stop the issuance or collection of fines, violations, fees, and judgments by the appropriate governmental agency or its agents.
- 2. DEMOLITION:** The City reserves the right to rescind the demolition deferral and have the Subject Property demolished in the event that: (a) the Subject Property does not meet the requirements of local ordinances, (b) the Owner fails to adhere to the requirements contained in Section 8-17-26, (c) at the discretion of the Detroit City Council, (d) upon the recommendation of BSEED, or (e) in the event the Owner defaults on this Commitment.
- 3. REAL PROPERTY TAXES:** Owner affirms that the Subject Property is not tax delinquent and has obtained a Property Tax Clearance or a State Land Purchase Certificate (attached as Exhibit D). If the Subject Property has delinquent taxes, the Owner agrees to pay all delinquent taxes or negotiate a payment plan with Wayne County. Unless otherwise provided by state law, local ordinances, or the rules and deadlines imposed by the respective taxing authority, the Owner shall pay the outstanding real property taxes as they become due by the City and/or the County of Wayne. The Owner agrees to resolve, or enter into a payment plan to resolve, all outstanding real property taxes. If the Owner enters into a payment plan with any governmental entity, the Owner shall furnish a copy of the payment plan to the City and provide evidence that payments are current.
- 4. DEFAULT:** In the event that the Owner does not perform the rehabilitation work to the Subject Property as stated in BSEED's Recommendation and City Council's Resolution, by the required dates, the City may, at the City's sole discretion, **IMMEDIATELY RESCIND THE DEFERRAL AND PROCEED WITH THE DEMOLITION OF THE SUBJECT PROPERTY, WITHOUT ANY FURTHER NOTICE TO THE OWNER.** The demolition will proceed **AT THE OWNER'S EXPENSE.** Defaulting on this Commitment will be a factor considered by BSEED at any future demolition deferral proceeding.
- 5. COMPLETE AGREEMENT:** Any changes, modifications, addenda, and amendments to this Commitment shall be in writing and subject to the approval of the City. This instrument between the Owner, its affiliates, and the City designated herein contains the entire agreement between the parties and all prior negotiations and agreements are merged herein. Neither the City nor the City's agents have made any representations, except those expressly set forth herein, and no rights or remedies are or shall be acquired by the Owner or its affiliates by implication or otherwise, unless expressly set forth herein.
- 6. SEVERANCE:** In the event that any word, clause, paragraph, section, or provision of the Commitment is deemed unenforceable by a court of law, the unenforceable word(s), clause(s), section(s) or provisions shall be severed and the remaining word(s), clause(s), paragraph(s), and/or section(s) shall remain enforceable. If any provision of the Commitment, or the application

thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of the Commitment, or the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected.

7. **CHOICE OF LAW:** This Agreement shall be enforced and interpreted under the laws of the State of Michigan.
8. **COPIES/COUNTERPARTS:** This agreement may be executed in any number of counterparts, each of which shall be treated as an original, but all of which collectively shall be construed as a single instrument. A copy or a scanned signature on this agreement, or any addendum or amendment, shall be enforceable and valid as an original signature.
9. **NO WAIVER BY THE CITY OF DETROIT:** No failure by the City to insist upon the strict performance of any term or condition of this Commitment, or to exercise any right, term, or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach or such term or condition.

The Owner hereby acknowledges receipt of the original copy of this Application and Commitment, and agrees to be bound by the terms and conditions stated herein

**APPROVED AND AGREED TO BY:**

\_\_\_\_\_  
City of Detroit  
Buildings, Safety Engineering &  
Environmental Department

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
(PRINT NAME)

**THIS COMMITMENT IS NOT VALID OR AUTHORIZED UNTIL  
APPROVED BY RESOLUTION OF THE DETROIT CITY COUNCIL.**



**FOR BUILDINGS, SAFETY ENGINEERING & ENVIRONMENTAL DEPARTMENT USE ONLY**

A previous deferral of demolition order has/has not been granted.

Date of previous deferral \_\_\_\_\_

**See Attached BSEED status report.**

**Note: Emergency Demolition Orders are rescinded by the Building Official Only.**

**DANGEROUS BUILDING APPLICATION FOR INSPECTIONS SPECIAL INSPECTION AND  
PROGRESS INSPECTION FEES**

**SUBMIT FORM TO LICENSES AND PERMIT DIVISION - ROOM 402**

Address of Property: \_\_\_\_\_

Describe Type of Building: \_\_\_\_\_

I hereby request a Special Inspection for the purpose of allowing the Building Inspection Division to investigate my appeal of City Council's Order to Demolish the building(s) at the above location and a Progress Inspection to demonstrate that substantial progress has been made in accordance with the approved Time Frame for Rehabilitation.

- ☐ I am submitting the \$134.00 **Special Inspection Fee** with my request.
- ☐ I am submitting the \$134.00 **Progress Inspection Fee** for the progress inspection to occur within forty-five (45) calendar days from the date of the rehabilitation permit, for the amount of \$268.00 due with this application.

Owner's Name (PRINT) \_\_\_\_\_ Phone # \_\_\_\_\_

Owner's Mailing Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Owner's E-mail Address \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

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FOR DEPARTMENT USE

DNG# \_\_\_\_\_ District \_\_\_\_\_

DATE: \_\_\_\_\_

**\* SEE ATTACHED SPECIAL INSPECTION REPORT.**

**SPECIAL INSPECTION REPORT**

Property Location \_\_\_\_\_ Inspector \_\_\_\_\_  
 Date \_\_\_\_\_ Supervisor \_\_\_\_\_  
 Recommendation \_\_\_\_\_

<b>Demolition Order {DATE OF ORDER (J.C.C. PAGE)}</b> _____ _____
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**EXTERIOR CONDITIONS**

- \_\_\_ EX1. Maintain a visible address on the structure using numerals a minimum of 4 inches in height.
- \_\_\_ EX2. Maintain building/premises/structures free of any solid waste (debris, garbage, litter, and rubbish) in a clean, safe, secure, and sanitary condition. (Sec. 8-15-101)
- \_\_\_ EX3. Keep in good repair all driveways, parking spaces, lots, sidewalks, stairs, and walkways at \_\_\_\_\_. (Sec. 8-15-103)
- \_\_\_ EX4. Remove all grass, weeds, plants, growth in excess of 10 (ten) inches high at \_\_\_\_\_. (Sec. 8-15-104)
- \_\_\_ EX5. Keep all buildings, premises, structures, and exterior property free from rodent harborage and infestation at \_\_\_\_\_. (Sec. 8-15-105)
- \_\_\_ EX6. Maintain all accessory structures (detached fences, garages, dumpster enclosures, walls) in sound condition. \_\_\_\_\_. (Sec. 8-15-107)
- \_\_\_ EX7. Remove graffiti, markings, or paintings from exterior surfaces. \_\_\_\_\_. (Sec. 8-15-111)
- \_\_\_ EX8. Maintain all building and/or structure exterior walls in good repair at \_\_\_\_\_. (Sec. 8-15-205)
- \_\_\_ EX9. Maintain the roof on the building or structure in good repair. \_\_\_\_\_. (Sec. 8-15-206)
- \_\_\_ EX10. Maintain all exterior balconies, decks, porches, stairways, overhead extensions/canopies, exhaust ducts, fire escapes, marquees, awnings, signs, stand pipes in good repair at \_\_\_\_\_. (Sec. 8-15-208)
- \_\_\_ EX11. Maintain all glazing materials free from cracks and holes in good repair. \_\_\_\_\_. (Sec. 8-15-213)
- \_\_\_ EX12. Remove padlock from exit doors at means of egress at \_\_\_\_\_. (Sec. 8-15-216)
- \_\_\_ EX13. Discontinue storage of inoperable/un-licensed vehicles on premises at at \_\_\_\_\_. (Sec. 8-15-110)
- \_\_\_ EX14. Maintain the parking lot in accordance with the Property Maintenance Code \_\_\_\_\_. (Sec. 8-15-103)
- \_\_\_ EX15. Remove excessive signage, wall graphics from exterior of building at \_\_\_\_\_. (Sec. 8-15-275)
- \_\_\_ EX16. Remove peeling paint from exterior surfaces of building and repaint \_\_\_\_\_. (Sec. 8-15-205)
- \_\_\_ EX17. Properly barricade openings on vacant buildings at \_\_\_\_\_. (Sec. 8-15-113)
- \_\_\_ EX18. Remove all non-permitted temporary signage or banners \_\_\_\_\_. (Sec. 8-15-272)
- \_\_\_ Remove obsolete sign(s) for the closed business \_\_\_\_\_. (Sec. 8-15-273)

## TIME FRAME FOR REHABILITATION

Date: \_\_\_\_\_ DNG# \_\_\_\_\_

RE: Address(es) \_\_\_\_\_

Names: (Please Print) \_\_\_\_\_

- 10 Days Apply for rehabilitation work permit within ten (10) business days from the date of the City Council decision.

## DESCRIPTION OF PROPOSED REHABILITATION ACTIVITIES

- 45 Days \_\_\_\_\_  
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**ADDITIONAL:**

- \_\_\_\_ Owner to submit plans for rehabilitation with time frame for review by BSEED.
- \_\_\_\_ Owner to provide statement indicating the purpose for which the property will be used;  
BSEED to determine feasibility.

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## **EXHIBIT 3**

**City of Detroit Blight Violation Notice**No. **23029626DAH**☒ Property Maintenance Code ☐ Zoning Ordinance ☐ Solid Waste and Illegal Dumping OrdinanceUndersigned says on: **02/16/2023 at 15:30:00 PM**

Name (First, Middle, Last)

**SUCCESS ON SUSSEX, LLC .**

Street Address

**21415 CIVIC CENTER DRIVE Ste. 209, SOUTHFIELD, MI 48076**

Vehicle Description (Year, Make, Color, Type)

Vehicle Plate No.

The person named above is in violation of **§ 8-15-111(b)**of Chapter **8** at **9240 FOREST**

Detroit, Michigan \_\_\_\_\_ as follows:

**Failure of owner to restore exterior of building or structure damaged by graffiti**

1. The fine for this violation is \$ **200.00** ☐ repeat offender
2. The fee for this violation is **\$30.**
3. The Hearing Date/Time: **Monday, April 17, 2023 at 1:30PM**
4. Hearing Location: **VIRTUAL COURT ROOM**

**Attend VIRTUAL Hearing:** Hearings are virtual only via Zoom. Attend by one of these methods:**Desktop PCs & Laptops:** Go to <https://zoom.us>. Click on "Join a Call" and enter hearing with Meeting ID: **895 6924 9569****Tablets and Phones:** Install the Zoom App prior to call. At time of call, launch the Zoom App and enter hearing with Meeting ID: **895 6924 9569****Phone Call Only:** Call: **312-626-6799** and enter hearing with Meeting ID: **895 6924 9569**

**Pay or Appear:** If you wish to admit responsibility and pay your fine and fees, you may pay by mail, phone or online as indicated below, on or before the above hearing date. To admit responsibility with explanation or deny responsibility, you must attend the virtual hearing on the date/time above. **Pay Blight Ticket:** There is a mandated \$10.00 State justice assessment and a \$20.00 City administrative fee for the processing and adjudication of this Blight Violation Notice. A fine paid before the hearing date shall be reduced by 10%. A fine paid after the hearing date shall be increased by 10%. **Payment Methods:** Online: 24 hours a day: [www.detroitmi.gov/dahonline](http://www.detroitmi.gov/dahonline). DivDat Kiosks: Locations City-wide at: [www.divdat.com/location/](http://www.divdat.com/location/). **By Phone:** pay with credit card at 313-224-0098. **By Mail:** personal check, certified check or money order payable to Treasurer, City of Detroit, mailed to:

**Department of Appeals & Hearings**

Coleman A. Young Municipal Center, 2 Woodward Ave, Suite 1004, Detroit, MI 48226

Phone: **313-224-0098** Business Hours: Monday-Friday 8:30 am – 4:30 pmCity of Detroit will provide language translation and hearing impaired signage. Email [crio@detroitmi.gov](mailto:crio@detroitmi.gov) for these services.

**WARNING:** You are alleged to be responsible for a blight violation. Your failure to appear, or to admit responsibility, or to pay the scheduled civil fine and fees within the time to appear may result in the entry of a decision and order of default against you for the fine and fees for the violation and for necessary costs to abate the violation.

A copy of this violation notice was served upon the alleged violator by:

☒ Posting and first class mail

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Authorized local official (printed) **Ronald Youngblood**

Authorized local official (signature)

ID No. **9051****/s/ Ronald Youngblood****02/28/2023**

Corporation Counsel approval for issuance of third party complaint

By: \_\_\_\_\_ Date: \_\_\_\_\_



# City of Detroit Blight Violation Notice

No. **23029628DAH**

☒ Property Maintenance Code ☐ Zoning Ordinance ☐ Solid Waste and Illegal Dumping Ordinance

Undersigned says on: **02/16/2023 at 15:30:00 PM**

Name (First, Middle, Last)

**SUCCESS ON SUSSEX, LLC .**

Street Address

**21415 CIVIC CENTER DRIVE Ste. 209, SOUTHFIELD, MI 48076**

Vehicle Description (Year, Make, Color, Type)

Vehicle Plate No.

The person named above is in violation of **§ 8-15-113**

of Chapter **8** at **9240 FOREST**

Detroit, Michigan \_\_\_\_\_ as follows:

**Failure to maintain a vacant building or structure in accordance with the requirements of Section 8-15-113 of the Detroit City Code: (1) - (12) (All structures except 1 or 2 family dwellings and buildings with 5 or more stories)**

1. The fine for this violation is \$ **1250.00** ☐ repeat offender

2. The fee for this violation is **\$30**.

3. The Hearing Date/Time: **Monday, April 17, 2023 at 1:30PM**

4. Hearing Location: **VIRTUAL COURT ROOM**

**Attend VIRTUAL Hearing:** Hearings are virtual only via Zoom. Attend by one of these methods:

**Desktop PCs & Laptops:** Go to <https://zoom.us>. Click on "Join a Call" and enter hearing with Meeting ID: **895 6924 9569**

**Tablets and Phones:** Install the Zoom App prior to call. At time of call, launch the Zoom App and enter hearing with Meeting ID: **895 6924 9569**

**Phone Call Only:** Call: **312-626-6799** and enter hearing with Meeting ID: **895 6924 9569**

**Pay or Appear:** If you wish to admit responsibility and pay your fine and fees, you may pay by mail, phone or online as indicated below, on or before the above hearing date. To admit responsibility with explanation or deny responsibility, you must attend the virtual hearing on the date/time above. **Pay Blight Ticket:** There is a mandated \$10.00 State justice assessment and a \$20.00 City administrative fee for the processing and adjudication of this Blight Violation Notice. A fine paid before the hearing date shall be reduced by 10%. A fine paid after the hearing date shall be increased by 10%. **Payment Methods:** Online: 24 hours a day: [www.detroitmi.gov/dahonline](http://www.detroitmi.gov/dahonline). **DivDat Kiosks:** Locations City-wide at: [www.divdat.com/location/](http://www.divdat.com/location/). **By Phone:** pay with credit card at 313-224-0098. **By Mail:** personal check, certified check or money order payable to Treasurer, City of Detroit, mailed to:

**Department of Appeals & Hearings**

Coleman A. Young Municipal Center, 2 Woodward Ave, Suite 1004, Detroit, MI 48226

Phone: **313-224-0098** Business Hours: Monday-Friday 8:30 am – 4:30 pm

City of Detroit will provide language translation and hearing impaired signage. Email [crio@detroitmi.gov](mailto:crio@detroitmi.gov) for these services.

**WARNING:** You are alleged to be responsible for a blight violation. Your failure to appear, or to admit responsibility, or to pay the scheduled civil fine and fees within the time to appear may result in the entry of a decision and order of default against you for the fine and fees for the violation and for necessary costs to abate the violation.

A copy of this violation notice was served upon the alleged violator by:

☒ Posting and first class mail

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Authorized local official (printed) **Ronald Youngblood**

Authorized local official (signature) ID No. **9051**

**/s/ Ronald Youngblood**

**02/28/2023**

Corporation Counsel approval for issuance of third party complaint

By: \_\_\_\_\_ Date: \_\_\_\_\_



**City of Detroit Blight Violation Notice**No. **23029621DAH**
☐ Property Maintenance Code    ☐ Zoning Ordinance    ☐ Solid Waste and Illegal Dumping Ordinance
Undersigned says on: **02/16/2023 at 15:30:00 PM**

Name (First, Middle, Last)

**SUCCESS ON SUSSEX, LLC .**

Street Address

**21415 CIVIC CENTER DRIVE Ste. 209, SOUTHFIELD, MI 48076**

Vehicle Description (Year, Make, Color, Type)

Vehicle Plate No.

The person named above is in violation of § **4-4-10**of Chapter \_\_\_\_\_ at **9240 FOREST**

Detroit, Michigan \_\_\_\_\_ as follows:

**Failure to remove obsolete signage per Sec. 4-4-10 of The Detroit City Ordinance - Business Sign:**

1. The fine for this violation is \$ **800.00** ☐ repeat offender
2. The fee for this violation is **\$30.**
3. The Hearing Date/Time: **Monday, April 17, 2023 at 1:30PM**
4. Hearing Location: **VIRTUAL COURT ROOM**

**Attend VIRTUAL Hearing:** Hearings are virtual only via Zoom. Attend by one of these methods:**Desktop PCs & Laptops:** Go to <https://zoom.us>. Click on "Join a Call" and enter hearing with Meeting ID: **895 6924 9569****Tablets and Phones:** Install the Zoom App prior to call. At time of call, launch the Zoom App and enter hearing with Meeting ID: **895 6924 9569****Phone Call Only:** Call: **312-626-6799** and enter hearing with Meeting ID: **895 6924 9569**

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**Department of Appeals & Hearings**

Coleman A. Young Municipal Center, 2 Woodward Ave, Suite 1004, Detroit, MI 48226

Phone: **313-224-0098** Business Hours: Monday-Friday 8:30 am – 4:30 pmCity of Detroit will provide language translation and hearing impaired signage. Email [crio@detroitmi.gov](mailto:crio@detroitmi.gov) for these services.

**WARNING:** You are alleged to be responsible for a blight violation. Your failure to appear, or to admit responsibility, or to pay the scheduled civil fine and fees within the time to appear may result in the entry of a decision and order of default against you for the fine and fees for the violation and for necessary costs to abate the violation.

A copy of this violation notice was served upon the alleged violator by:

☒ Posting and first class mail

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Authorized local official (printed) **Ronald Youngblood**

Authorized local official (signature)

ID No. **9051****/s/ Ronald Youngblood****02/28/2023**

Corporation Counsel approval for issuance of third party complaint

By: \_\_\_\_\_ Date: \_\_\_\_\_

**City of Detroit Blight Violation Notice****No. 23029622DAH**
☒ Property Maintenance Code    ☐ Zoning Ordinance    ☐ Solid Waste and Illegal Dumping Ordinance
Undersigned says on: **02/16/2023 at 15:30:00 PM**

Name (First, Middle, Last)

**SUCCESS ON SUSSEX, LLC .**

Street Address

**21415 CIVIC CENTER DRIVE Ste. 209, SOUTHFIELD, MI 48076**

Vehicle Description (Year, Make, Color, Type)

Vehicle Plate No.

The person named above is in violation of § **8-15-101**of Chapter **8** at **9240 FOREST**

Detroit, Michigan \_\_\_\_\_ as follows:

**Unlawful accumulation of solid waste one- or two-family dwelling or commercial building**

1. The fine for this violation is \$ **200.00** ☐ repeat offender
2. The fee for this violation is \$30.
3. The Hearing Date/Time: **Monday, April 17, 2023 at 1:30PM**
4. Hearing Location: **VIRTUAL COURT ROOM**

**Attend VIRTUAL Hearing:** Hearings are virtual only via Zoom. Attend by one of these methods:**Desktop PCs & Laptops:** Go to <https://zoom.us>. Click on "Join a Call" and enter hearing with Meeting ID: **895 6924 9569****Tablets and Phones:** Install the Zoom App prior to call. At time of call, launch the Zoom App and enter hearing with Meeting ID: **895 6924 9569****Phone Call Only:** Call: **312-626-6799** and enter hearing with Meeting ID: **895 6924 9569**

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**Department of Appeals & Hearings**

Coleman A. Young Municipal Center, 2 Woodward Ave, Suite 1004, Detroit, MI 48226

Phone: 313-224-0098 Business Hours: Monday-Friday 8:30 am – 4:30 pm

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A copy of this violation notice was served upon the alleged violator by:

☒ Posting and first class mail

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Authorized local official (printed) **Ronald Youngblood**

Authorized local official (signature)

ID No. **9051****/s/ Ronald Youngblood****02/28/2023**

Corporation Counsel approval for issuance of third party complaint

By: \_\_\_\_\_ Date: \_\_\_\_\_

**City of Detroit Blight Violation Notice**No. **23029623DAH**☒ Property Maintenance Code ☐ Zoning Ordinance ☐ Solid Waste and Illegal Dumping OrdinanceUndersigned says on: **02/16/2023 at 15:30:00 PM**

Name (First, Middle, Last)

**SUCCESS ON SUSSEX, LLC .**

Street Address

**21415 CIVIC CENTER DRIVE Ste. 209, SOUTHFIELD, MI 48076**

Vehicle Description (Year, Make, Color, Type)

Vehicle Plate No.

The person named above is in violation of **§ 8-15-104**of Chapter **8** at **9240 FOREST**

Detroit, Michigan \_\_\_\_\_ as follows:

**Excessive weeds or plant growth one- or two-family dwelling or commercial Building**

1. The fine for this violation is \$ **125.00** ☐ repeat offender
2. The fee for this violation is **\$30.**
3. The Hearing Date/Time: **Monday, April 17, 2023 at 1:30PM**
4. Hearing Location: **VIRTUAL COURT ROOM**

**Attend VIRTUAL Hearing:** Hearings are virtual only via Zoom. Attend by one of these methods:**Desktop PCs & Laptops:** Go to <https://zoom.us>. Click on "Join a Call" and enter hearing with Meeting ID: **895 6924 9569****Tablets and Phones:** Install the Zoom App prior to call. At time of call, launch the Zoom App and enter hearing with Meeting ID: **895 6924 9569****Phone Call Only:** Call: **312-626-6799** and enter hearing with Meeting ID: **895 6924 9569**

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**Department of Appeals & Hearings**

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Phone: **313-224-0098** Business Hours: Monday-Friday 8:30 am – 4:30 pmCity of Detroit will provide language translation and hearing impaired signage. Email [crio@detroitmi.gov](mailto:crio@detroitmi.gov) for these services.

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A copy of this violation notice was served upon the alleged violator by:

☒ Posting and first class mail

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Authorized local official (printed) **Ronald Youngblood**

Authorized local official (signature)

ID No. **9051****/s/ Ronald Youngblood****02/28/2023**

Corporation Counsel approval for issuance of third party complaint

By: \_\_\_\_\_ Date: \_\_\_\_\_

**City of Detroit Blight Violation Notice**No. **23029625DAH**☒ Property Maintenance Code    ☐ Zoning Ordinance    ☐ Solid Waste and Illegal Dumping OrdinanceUndersigned says on: **02/16/2023 at 15:30:00 PM**

Name (First, Middle, Last)

**SUCCESS ON SUSSEX, LLC**

Street Address

**21415 CIVIC CENTER DRIVE Ste. 209, SOUTHFIELD, MI 48076**

Vehicle Description (Year, Make, Color, Type)

Vehicle Plate No.

The person named above is in violation of § **8-15-108**of Chapter **8** at **9240 FOREST**

Detroit, Michigan \_\_\_\_\_ as follows:

**Defective gate(s) Fences one- or two-family dwelling or commercial building**1. The fine for this violation is \$ **200.00** ☐ repeat offender2. The fee for this violation is **\$30**.3. The Hearing Date/Time: **Monday, April 17, 2023 at 1:30PM**4. Hearing Location: **VIRTUAL COURT ROOM****Attend VIRTUAL Hearing:** Hearings are virtual only via Zoom. Attend by one of these methods:**Desktop PCs & Laptops:** Go to <https://zoom.us>. Click on "Join a Call" and enter hearing with Meeting ID: **895 6924 9569****Tablets and Phones:** Install the Zoom App prior to call. At time of call, launch the Zoom App and enter hearing with Meeting ID: **895 6924 9569****Phone Call Only:** Call: **312-626-6799** and enter hearing with Meeting ID: **895 6924 9569**

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☒ Posting and first class mail

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Authorized local official (printed) **Ronald Youngblood**Authorized local official (signature) ID No. **9051****/s/ Ronald Youngblood****02/28/2023**

Corporation Counsel approval for issuance of third party complaint

By: \_\_\_\_\_ Date: \_\_\_\_\_





# City of Detroit Blight Violation Notice

No. **23029624DAH**

☒ Property Maintenance Code    ☐ Zoning Ordinance    ☐ Solid Waste and Illegal Dumping Ordinance

Undersigned says on: **02/16/2023 at 15:30:00 PM**

Name (First, Middle, Last)

**SUCCESS ON SUSSEX, LLC .**

Street Address

**21415 CIVIC CENTER DRIVE Ste. 209, SOUTHFIELD, MI 48076**

Vehicle Description (Year, Make, Color, Type)

Vehicle Plate No.

The person named above is in violation of **§ 8-15-45**

of Chapter **8** at **9240 FOREST**

Detroit, Michigan \_\_\_\_\_ as follows:

**Failure to obtain the certificate of Registration for Vacant Building**

1. The fine for this violation is \$ **375.00** ☐ repeat offender

2. The fee for this violation is \$30.

3. The Hearing Date/Time: **Monday, April 17, 2023 at 1:30PM**

4. Hearing Location: **VIRTUAL COURT ROOM**

**Attend VIRTUAL Hearing:** Hearings are virtual only via Zoom. Attend by one of these methods:

**Desktop PCs & Laptops:** Go to <https://zoom.us>. Click on "Join a Call" and enter hearing with Meeting ID: **895 6924 9569**

**Tablets and Phones:** Install the Zoom App prior to call. At time of call, launch the Zoom App and enter hearing with Meeting ID: **895 6924 9569**

**Phone Call Only:** Call: **312-626-6799** and enter hearing with Meeting ID: **895 6924 9569**

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**Department of Appeals & Hearings**

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Phone: 313-224-0098 Business Hours: Monday-Friday 8:30 am – 4:30 pm

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A copy of this violation notice was served upon the alleged violator by:

☒ Posting and first class mail

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Authorized local official (printed) **Ronald Youngblood**

Authorized local official (signature)

ID No. **9051**

/s/ Ronald Youngblood

**02/28/2023**

Corporation Counsel approval for issuance of third party complaint

By: \_\_\_\_\_ Date: \_\_\_\_\_

**City of Detroit Blight Violation Notice**No. **23029627DAH**☒ Property Maintenance Code    ☐ Zoning Ordinance    ☐ Solid Waste and Illegal Dumping OrdinanceUndersigned says on: **02/16/2023 at 15:30:00 PM**

Name (First, Middle, Last)

**SUCCESS ON SUSSEX, LLC**

Street Address

**21415 CIVIC CENTER DRIVE Ste. 209, SOUTHFIELD, MI 48076**

Vehicle Description (Year, Make, Color, Type)

Vehicle Plate No.

The person named above is in violation of § **8-15-35(a)(1)**of Chapter **8** at **9240 FOREST**

Detroit, Michigan \_\_\_\_\_ as follows:

**Failure of owner to obtain certificate of compliance - commercial building**1. The fine for this violation is \$ **500.00** ☐ repeat offender2. The fee for this violation is **\$30**.3. The Hearing Date/Time: **Monday, April 17, 2023 at 1:30PM**4. Hearing Location: **VIRTUAL COURT ROOM****Attend VIRTUAL Hearing:** Hearings are virtual only via Zoom. Attend by one of these methods:**Desktop PCs & Laptops:** Go to <https://zoom.us>. Click on "Join a Call" and enter hearing with Meeting ID: **895 6924 9569****Tablets and Phones:** Install the Zoom App prior to call. At time of call, launch the Zoom App and enter hearing with Meeting ID: **895 6924 9569****Phone Call Only:** Call: **312-626-6799** and enter hearing with Meeting ID: **895 6924 9569**

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☒ Posting and first class mail

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Authorized local official (printed) **Ronald Youngblood**Authorized local official (signature) ID No. **9051****/s/ Ronald Youngblood****02/28/2023**

Corporation Counsel approval for issuance of third party complaint

By: \_\_\_\_\_ Date: \_\_\_\_\_

200

Buildings, Safety Engineering  
& Environmental Department

City of Detroit  
Buildings, Safety Engineering and Environmental Department  
BSEED Finance Division  
Coleman A. Young Municipal Center  
2 Woodward Avenue, 4th Floor, Suite 402, Detroit, Michigan 48226  
(313) 224-3168

**STATEMENT**

Record ID: ANN2005-00221

Statement Date: 03/09/2023

Due Date: 04/08/2023

Balance Due: \$4,302.40

Applicant: SUCCESS ON SUSSEX LLC  
24056 PILGRIM  
REDFORD, MI 48239

Record Type: Commercial Inspection

Property Address: 9240 E FOREST, DETROIT, MI 48214

Invoice(s)

<u>Invoice #:</u>	<u>Invoice Date:</u>	<u>Invoice Amount:</u>	<u>Invoice Balance Due:</u>
5987058	03/09/2023	\$134.00	\$134.00
5984800	02/28/2023	\$134.00	\$134.00
5984783	02/28/2023	\$134.00	\$134.00
5959392	11/29/2022	\$134.00	\$134.00
5949144	10/25/2022	\$268.00	\$268.00
5942585	10/06/2022	\$134.00	\$134.00
5939024	09/26/2022	\$134.00	\$134.00
5935828	09/15/2022	\$134.00	\$134.00
5934898	09/13/2022	\$134.00	\$134.00
5934444	09/09/2022	\$134.00	\$134.00
5932827	09/02/2022	\$134.00	\$134.00
5930833	08/26/2022	\$134.00	\$134.00
5926709	08/11/2022	\$134.00	\$134.00
5924983	08/05/2022	\$134.00	\$134.00
5922348	07/28/2022	\$134.00	\$134.00
5841720	10/04/2021	\$134.00	\$134.00
5841709	10/04/2021	\$134.00	\$134.00
5834750	09/01/2021	\$134.00	\$134.00
5831753	08/19/2021	\$446.00	\$446.00
4698355	04/08/2016	\$2,542.33	\$1,310.40
<b>Total:</b>			<b>\$4,302.40</b>



## **EXHIBIT 4**



May 11, 2022

City of Detroit  
Building Department  
Inspections

Re: 9240 East Forest

East Wall/ Steel Canopy

I John T. Holowicki, a registered architect in the State of Michigan, have visited the site numerous times and have written and submitted recommendations to shore up the east wall and steel canopy. (Reference letter dates November 14, 2021).

This wall, although not pretty to look at, was in no danger of structural failure. In fact, my recommendation letter if followed would have taken care of any issues.

It has been brought to my attention that a city inspector unfamiliar with the structural issues and its remedy took an unauthorized approach with a crew to do demolition work on site that resulted in a catastrophic collapse of said east wall. Their lack of knowledge regarding the missing columns was instrumental in the loss to my client. Failure to notify the architect of the impending demolition was crucial.

In conclusion, the action taken by the City of Detroit resulted in a collapse of a salvageable structure slated for restoration causing the building owner a financial loss.

Please feel free to contact me at the number below if further discussion is warranted.

John T. Holowicki

Architect No. 1301034172



32401 W. Eight Mile Rd.

Livonia, MI 48374

248-219-9386



## **EXHIBIT 5**





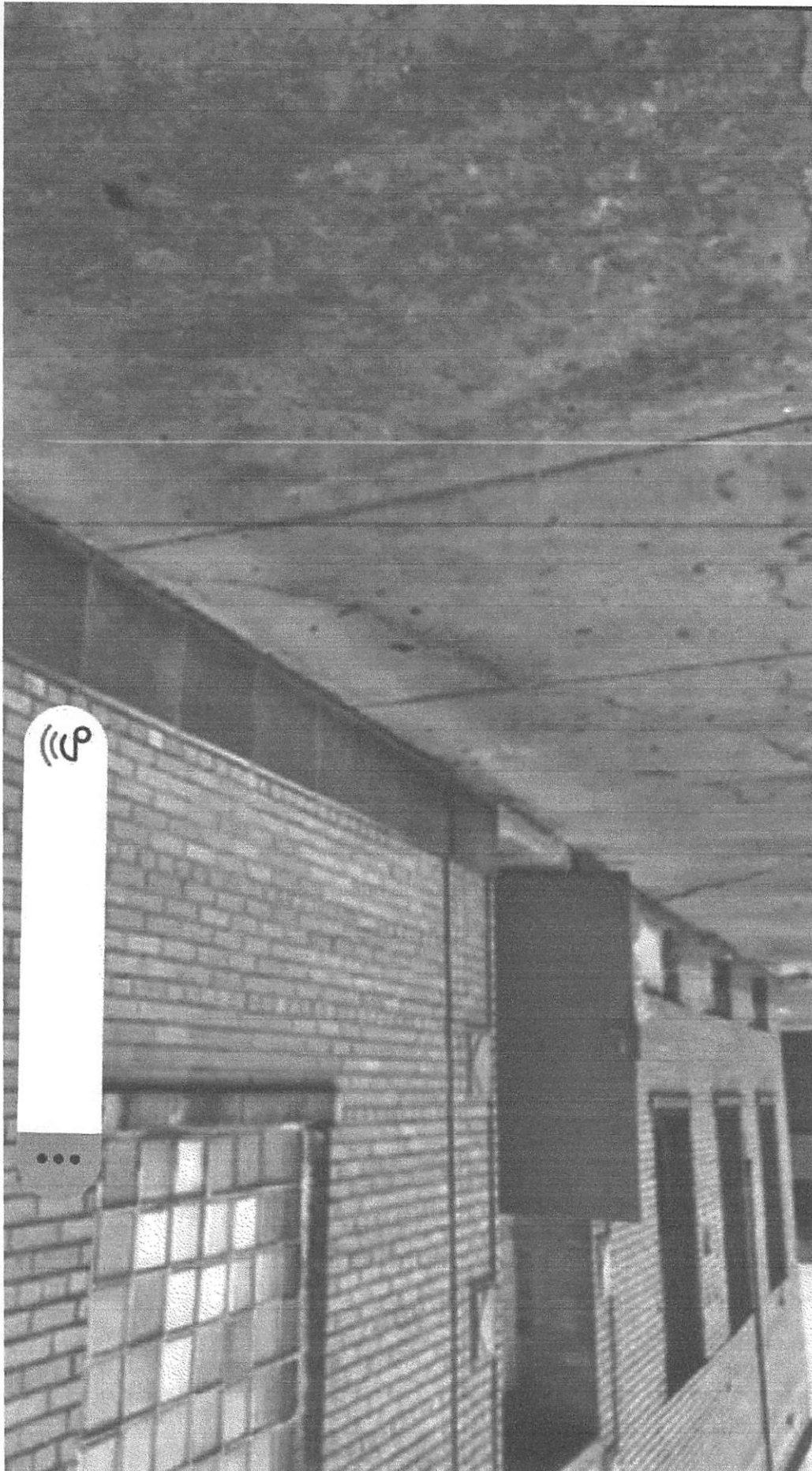




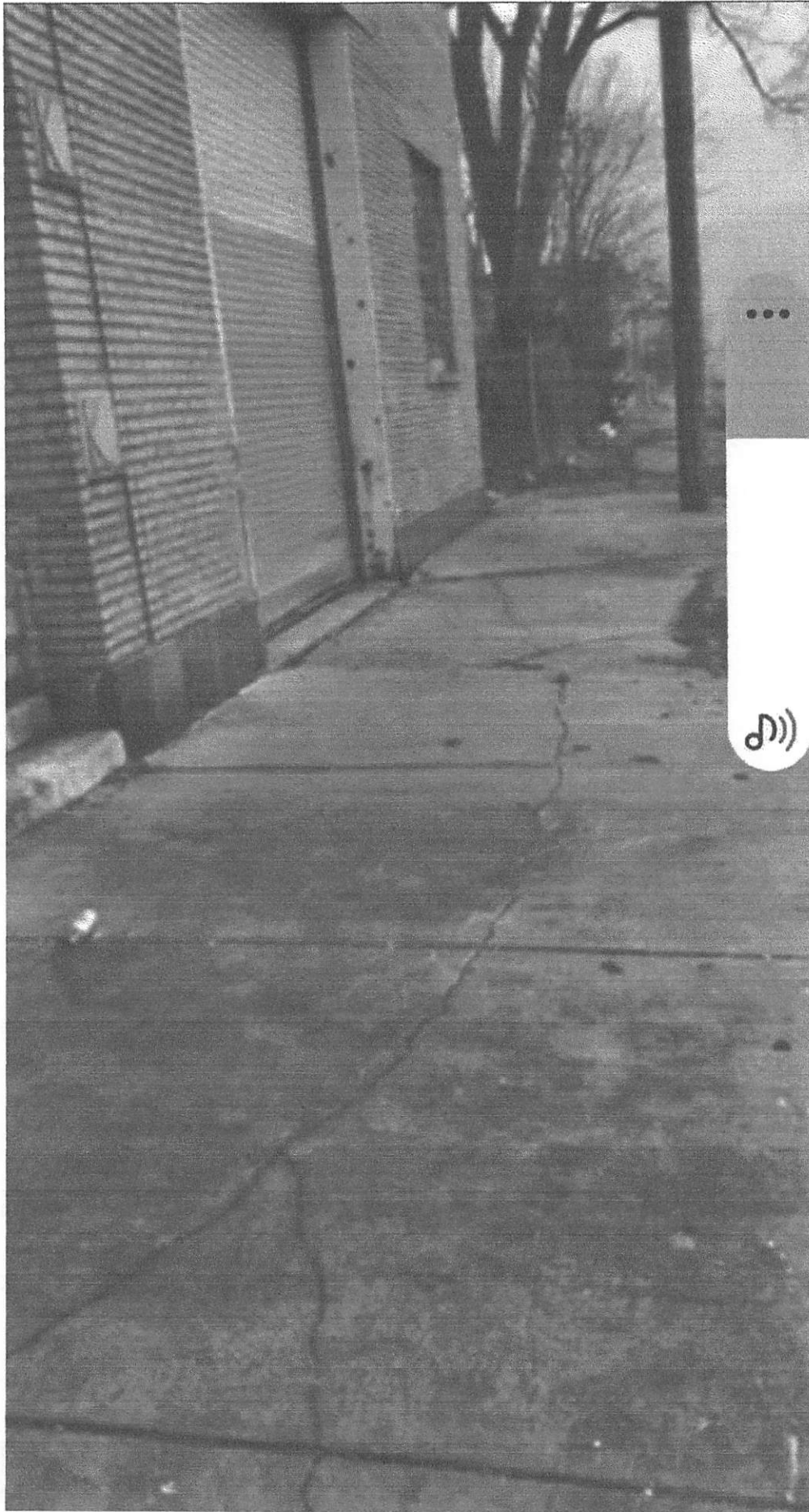












**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

SUCCESS ON SUSSEX, LLC,  
And JEROME SHELL

Case No. 23-005135-CH  
HON. John H. Gillis, Jr.

Plaintiffs,

vs.

CITY OF DETROIT, CITY OF DETROIT  
BUILDING SAFETY ENGINEERING &  
ENVIRONMENTAL DEPARTMENT.  
INSPECTOR GILCHRIST  
his individual capacity, and  
ADAMO DEMOLITION, Inc. f/k/a  
JTA DEMOLITION, Inc.

Defendants,

---

VANESSA G. FLUKER, ESQ., PLLC  
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Attorneys for Plaintiff  
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John C. Cahalan (P77404)  
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26640 Harper Avenue  
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[cahalanjc@gmail.com](mailto:cahalanjc@gmail.com)

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**PLAINTIFFS' EMERGENCY EXPARTE MOTION FOR TEMPORARY  
RESTRAINING ORDER, SHOW CAUSE ORDER  
AND PENDING PRELIMINARY INJUNCTION**

Plaintiffs Success on Sussex, LLC, and Jerome Shell request that this Court issue an Ex-Parte Emergency Temporary Restraining Order and an Order to Show Cause why a Preliminary

Injunction should not be issued pursuant to MCR 3.310 for the following reasons and those outlined in the attached Brief in Support.

1. On April 24, 2023, Plaintiffs by and through their legal counsel filed a verified complaint with the court in compliance MCR 3.310(B)(1)(a) **Exhibit 1**, Filed Complaint.
2. **Plaintiffs' real property located at 9240 E. Forest, Detroit, MI 48214, is at risk of an illegal demolition in violation of MCL 125.540, MCL 125.541, MCL 125.542, and City of Detroit Ordinance sections 8-17-23, 8-17-24, and 8-17-25. Defendants have expressly violated the due process rights of the Plaintiffs with regard to notice and an opportunity to a hearing on this matter. Moreover, the property is occupied and not in a state of disrepair, warranting demolition.**
3. For the reasons stated in Plaintiffs' verified complaint and this motion unless the Defendants are enjoined from further activity including the improper and illegal demolition of any part Plaintiff's real property located 9240 E. Forest, Detroit, MI 48214. Plaintiff will be irreparably harmed by (a) physical damage and loss of real property located at 9240 E. Forest, Detroit, MI 48214; (b) loss of business equipment and material housing in the occupied structure of 9240 E. Forest, Detroit, MI 48214; and (c) loss of income to businesses harmed by damage and destruction of property located 9240 E. Forest, Detroit, MI 48214.
4. Plaintiff has no adequate remedy at law.
5. Any delay in the issuance of a temporary restraining order and an order for a show cause hearing on a preliminary injunction will result in the following and immediate irreparable harm: (a) physical damage and loss of real property located at 9240 E.

Forest, Detroit, MI 48214; (b) loss of business equipment and material housing in the occupied structure of 9240 E. Forest, Detroit, MI 48214; and (c) loss of income to businesses harmed by damage and destruction of property located 9240 E. Forest, Detroit, MI 48214.

PLAINTIFFS REQUEST that this Honorable Court order a hearing to show cause why a preliminary injunction should not issue for the following:

1. Defendants are immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, assign, successor and/or representative of Defendant until further order of this court from doing any of the following:
  - (a) Engaging in any demolition work against Plaintiff s' property located at 9240 E. Forest, Detroit, MI 48214, until further order of this Court.
  - (b) Attempt in any way to alienate or convey any property interest, directly or indirectly via the Detroit Land Bank Authority or any other entity whether private, public, or quasi-governmental to property located at 9240 E. Forest, Detroit, MI 48214.
2. The order will remain in full force and effect until this Honorable Court orders otherwise.

Respectfully submitted,

/s/ John C. Cahalan  
John C. Cahalan (P77404)  
Attorney for Plaintiffs  
26640 Harper Avenue  
Saint Clair Shores, MI 48081

Dated: May 1, 2023

**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

SUCCESS ON SUSSEX, LLC,  
And JEROME SHELL

Case No. 23-005135-CH  
HON. John H. Gillis, Jr.

Plaintiffs,

vs.

CITY OF DETROIT, CITY OF DETROIT  
BUILDING SAFETY ENGINEERING &  
ENVIRONMENTAL DEPARTMENT.  
INSPECTOR GILCHRIST  
his individual capacity, and  
ADAMO DEMOLITION, Inc. f/k/a  
JTA DEMOLITION, Inc.

Defendants,

---

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[cahalanjc@gmail.com](mailto:cahalanjc@gmail.com)

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5/4/2023

**TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

The Court has reviewed Plaintiffs' ex parte emergency motion for temporary restraining order and an order to show cause why a preliminary injunction should not be issued pursuant to MCR 3.310, and other exhibits submitted by the Plaintiffs and have determined the following:

1. This temporary restraining order is issued effective on the date of entry of this order.

2. **Plaintiffs' real property located at 9240 E. Forest, Detroit, MI 48214, is at risk of an illegal demolition in violation of MCL 125.540, MCL 125.541, MCL 125.542, and City of Detroit Ordinance sections 8-17-23, 8-17-24, and 8-17-25. Defendants have expressly violated the due process rights of the Plaintiffs with regard to notice and an opportunity to a hearing on this matter. Moreover, the property is occupied and not in a state of disrepair, warranting demolition.**
3. For the reasons stated in Plaintiffs' verified complaint and this motion unless the Defendants are enjoined from further activity including the improper and illegal demolition of any part Plaintiff's real property located 9240 E. Forest, Detroit, MI 48214. Plaintiff will be irreparably harmed by (a) physical damage and loss of real property located at 9240 E. Forest, Detroit, MI 48214; (b) loss of business equipment and material housing in the occupied structure of 9240 E. Forest, Detroit, MI 48214; and (c) loss of income to businesses harmed by damage and destruction of property located 9240 E. Forest, Detroit, MI 48214.
4. Defendants are immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, assign, successor and/or representative of Defendant until further order of this court from doing any of the following:
  - (a) Engaging in any demolition work against Plaintiff s' property located at 9240 E. Forest, Detroit, MI 48214, until further order of this Court.
  - (b) Attempt in any way to alienate or convey any property interest, directly or indirectly via the Detroit Land Bank Authority or any other entity whether



private, public, or quasi-governmental to property located at 9240 E.  
Forest, Detroit, MI 48214.

5. This order issues on 5-4-23, 2023, at 11 am a.m./p.m. shall remain in full force and effect until this court specifically orders otherwise.
4. Defendants shall show cause before this Court on 5-26-23 at 10 am a.m./p.m. why a preliminary injunction should not be ordered according to the terms and conditions of the temporary restraining order.

/s/ John H. Gillis, Jr. 5/4/2023

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CIRCUIT COURT JUDGE

**STATE OF MICHIGAN  
IN THE WAYNE COUNTY CIRCUIT COURT**

**SUCCESS ON SUSSEX, LLC,  
and JEROME SHELL,**

Plaintiffs,  
v.

Case No. 23-005135-CH  
Hon. John Gillis, Jr.

**CITY OF DETROIT, CITY OF DETROIT BUILDINGS,  
SAFETY ENGINEERING AND ENVIRONMENTAL DEPARTMENT,  
INSPECTOR GILCHRIST, in his individual capacity, and ADAMO DEMOLITION,  
INC., f/k/a JTA DEMOLITION,**

Defendants.

---

VANESSA G. FLUKER, ESQ., PLLC  
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vgflower@sbcglobal.net  
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2727 Second Avenue, Suite 111  
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JOHN C. CAHALAN, PLLC  
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(586) 252-2463

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Eric B. Gaabo (P39213)  
gaabe@detroitmi.gov  
City of Detroit Law Department  
Attorney for Defendants City of Detroit,  
Coleman A. Young Municipal Center  
2 Woodward Ave, Suite 500  
Detroit, MI 48226  
(313) 269-0297

**APPEARANCE OF ERIC B. GAABO ON BEHALF  
OF DEFENDANT CITY OF DETROIT**

TO: Clerk of the Court

PLEASE TAKE NOTICE that I, Eric B. Gaabo, Assistant Corporation Counsel, City of  
Detroit Law Department, enter my appearance as attorney for the City of Detroit in this action.

Please serve all pleadings, notices and other papers in this action upon me at  
gaabe@detroitmi.gov.

Respectfully submitted,

/s/ Eric B. Gaabo (P39213)

gaabe@detroitmi.gov

Attorney for Defendant City of Detroit

City of Detroit Law Department

Coleman A. Young Municipal Center

2 Woodward Avenue, Suite 500

Detroit, MI 48226

(313) 269-0297

Date: May 8, 2023

**STATE OF MICHIGAN  
IN THE WAYNE COUNTY CIRCUIT COURT**

**SUCCESS ON SUSSEX, LLC,  
and JEROME SHELL,**

Plaintiffs,

v.

Case No. 23-005135-CH

Hon. John Gillis, Jr.

**CITY OF DETROIT, CITY OF DETROIT BUILDINGS,  
SAFETY ENGINEERING AND ENVIRONMENTAL DEPARTMENT,  
INSPECTOR GILCHRIST, in his individual capacity, and ADAMO  
DEMOLITION, INC., f/k/a JTA DEMOLITION,**

Defendants.

---

VANESSA G. FLUKER, ESQ., PLLC

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vgflawer@sbcglobal.net

Attorneys for Plaintiff

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Eric B. Gaabo (P39213)

gaabe@detroitmi.gov

City of Detroit Law Department

Attorney for Defendants City of Detroit,

Coleman A. Young Municipal Center

2 Woodward Ave, Suite 500

Detroit, MI 48226

(313) 269-0297

---

**ORDER GRANTING PLAINTIFFS' MOTION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

At a session of said Court, held in the City of Detroit,

Wayne County, Michigan, on 5/9/2023

PRESENT: HONORABLE: JUDGE JOHN H. GILLIS, JR.  
Circuit Court Judge

This matter having come before the Court on Plaintiffs' Emergency Motion for Temporary Restraining Order and an Order to Show Cause why a Preliminary Injunction should not be issued pursuant to MCR 3.310; the Court having reviewed the Motion and Briefs submitted by Plaintiffs; heard oral argument; and the Court being otherwise fully advised in the premises;

23-005135-CH FILED IN MY OFFICE Cathy M. Garrett WAYNE COUNTY CLERK 5/9/2023 12:20 PM Marciana Lawrence

IT IS HEREBY ORDERED that Plaintiffs' Emergency Motion for Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction should not be issued pursuant to MCR 3.310 is GRANTED for the reasons stated on the record.

IT IS FURTHER ORDERED that this Temporary Restraining Order is effective on the date of entry of this Order.

IT IS FURTHER ORDERED that Defendants are enjoined from any actions to demolish any part of the real property located 9240 E. Forest, Detroit, MI 48214.

IT IS FURTHER ORDERED that Defendants are immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, assign, successor and/or representative of Defendant until further order of this court from doing any of the following:

- (a) Engaging in any demolition work against Plaintiff s' property located at 9240 E. Forest, Detroit, MI 48214, until further order of this Court.
- (b) Attempting in any way to alienate or convey any property interest, directly or indirectly via the Detroit Land Bank Authority or any other entity whether private, public, or quasi-governmental to property located at 9240 E. Forest, Detroit, MI 48214.

IT IS FURTHER ORDERED that Plaintiffs shall engage a licensed structural engineer to evaluate the structural integrity and overall condition of the exterior walls of the building(s) remaining at 9240 E. Forest, and shall forward a report summarizing the engineer's findings to the City of Detroit within sixty (60) days from the date of this Order;

IT IS FURTHER ORDERED that Plaintiffs shall allow the barrier fencing presently located at 9240 E. Forest to remain in place, and shall monitor the site to attempt to ensure that such fencing remains in place to deter public entry to the site;

IT IS FURTHER ORDERED that this Order issues on May 8, 2023 and shall remain in full force and effect until this Court specifically orders otherwise.

IT IS FURTHER ORDERED Defendants shall show cause before this Court on Monday, May 22, 2023 at 12:00 p.m. why a Preliminary Injunction should not be ordered according to the terms and conditions of the

Temporary Restraining Order.

IT IS SO ORDERED.

This is not a final order and does not close the case.

/s/ John H. Gillis, Jr. 5/9/2023

HON. John H. Gillis, Jr.  
CIRCUIT COURT JUDGE

Approved as to form:

/s/ John C. Cahalan  
JOHN C. CAHALAN (P77404)  
Attorney for the Plaintiffs

/s/ Eric B. Gaabo  
ERIC B. GAABO (P39213)  
Attorney for Defendant City of Detroit

\_\_\_\_\_  
CIRCUIT COURT JUDGE

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## REGISTER OF ACTIONS

[CASE NO. 23-005135-CH](#)

### PARTY INFORMATION

		Attorneys
Defendant	ADAMO DEMOLITION, Inc. f/k/a JTA DEMOLITION, Inc.	
Defendant	CITY OF DETROIT	<b>Eric B. Gaabo</b> <i>Retained</i> (313) 237-3052(W)
Defendant	CITY OF DETROIT BUILDING SAFETY ENGINEERING & ENVIRONMENTAL DEPARTMEN	<b>Eric B. Gaabo</b> <i>Retained</i> (313) 237-3052(W)
Defendant	GILCHRIST, INSPECTOR	<b>Eric B. Gaabo</b> <i>Retained</i> (313) 237-3052(W)
Plaintiff	SHELL, JEROME	<b>Vanessa G. Fluker</b> <i>Retained</i> (313) 393-6005(W)
		John Charles Cahalan <i>Retained</i> (586) 252-2463(W)
Plaintiff	SUCCESS ON SUSSEX, LLC	<b>John Charles Cahalan</b> <i>Retained</i> (586) 252-2463(W)
		Vanessa G. Fluker <i>Retained</i> (313) 393-6005(W)

### EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS	
04/24/2023	Complaint, Filed
04/24/2023	Service Review Scheduled
04/24/2023	Status Conference Scheduled
04/24/2023	<a href="#">Case Filing Fee - Paid</a>
05/02/2023	<a href="#">Appearance of Attorney, Filed</a>
05/02/2023	<a href="#">Proof of Service, Filed</a>
05/03/2023	<a href="#">Brief, Filed</a>
05/03/2023	<a href="#">Motion for Injunction, Filed</a>
05/03/2023	<a href="#">Proof of Service, Filed</a>
05/05/2023	<a href="#">Proof of Service, Filed</a>
05/05/2023	<a href="#">Notice of Hearing, Filed</a>
05/05/2023	<a href="#">Injunctive/Restraining Order, Signed and Filed</a>
05/08/2023	Motion Hearing (11:30 AM) (Judicial Officer Gillis, John H., Jr.) Result: Held
05/08/2023	<a href="#">Praecipe, Filed</a> (Judicial Officer: Gillis, John H., Jr.)
05/08/2023	<a href="#">Proof of Service, Filed</a>
05/09/2023	<a href="#">Appearance of Attorney, Filed</a>
05/09/2023	<a href="#">Proof of Service, Filed</a>
05/09/2023	<a href="#">Order Granting Motion, Signed and Filed</a>
05/22/2023	Show Cause Hearing (12:00 PM) (Judicial Officer Gillis, John H., Jr.)
07/24/2023	Status Conference (8:00 AM) (Judicial Officer Gillis, John H., Jr.)

### FINANCIAL INFORMATION

Plaintiff SUCCESS ON SUSSEX, LLC  
Total Financial Assessment

195.00



	Total Payments and Credits			195.00
	<b>Balance Due as of 05/16/2023</b>			<b>0.00</b>
04/24/2023	Transaction Assessment			175.00
04/24/2023	eFiling	Receipt # 2023-27647	Vanessa G. Fluker, ESQ., PLLC	(175.00)
05/03/2023	Transaction Assessment			20.00
05/03/2023	eFiling	Receipt # 2023-30334	John C. Cahalan, PLLC	(20.00)